

## CCRB INVESTIGATIVE RECOMMENDATION

Investigator: Tyler Walls	Team: Squad #4	CCRB Case #: 202003482	<input checked="" type="checkbox"/> Force	<input type="checkbox"/> Discourt.	<input checked="" type="checkbox"/> U.S.
			<input checked="" type="checkbox"/> Abuse	<input type="checkbox"/> O.L.	<input type="checkbox"/> Injury
Incident Date(s) Tuesday, 05/19/2020 11:45 AM	Location of Incident: § 87(2)(b)	Precinct: 13	18 Mo. SOL 11/19/2021	EO SOL 5/4/2022	
Date/Time CV Reported Fri, 05/22/2020 1:50 PM	CV Reported At: CCRB	How CV Reported: Phone	Date/Time Received at CCRB Fri, 05/22/2020 1:50 PM		

Complainant/Victim	Type	Home Address
§ 87(2)(b)	§ 87(2)(b)	§ 87(2)(b)

Subject Officer(s)	Shield	TaxID	Command
1. PO Lindsay Agard	18853	941316	013 DET
2. POM Michael Cangelosi	04586	950152	013 PCT
3. LT Dixun Su	00000	940777	CD OFF
4. POF Ashley Chow	10100	964442	013 PCT
5. DT3 Paul Rivera	01283	940050	013 DET

Witness Officer(s)	Shield No	Tax No	Cmd Name
1. POM Matthew Pagano	25422	963194	013 PCT
2. POM Sage Sierra	09419	958071	013 PCT
3. POM Nikoy Wallace	25344	963319	013 PCT

Officer(s)	Allegation	Investigator Recommendation
A. PO Lindsay Agard	Abuse: Police Officer Lindsay Agard entered § 87(2)(b) in Manhattan.	§ 87(2)(b)
B. DT3 Paul Rivera	Abuse: Detective Paul Rivera entered § 87(2)(b) in Manhattan.	§ 87(2)(b)
C. POM Michael Cangelosi	Abuse: Police Officer Michael Cangelosi entered § 87(2)(b) in Manhattan.	§ 87(2)(b)
D. PO Lindsay Agard	Force: Police Officer Lindsay Agard used physical force against § 87(2)(b)	§ 87(2)(b)
E. POM Michael Cangelosi	Force: Police Officer Michael Cangelosi used physical force against § 87(2)(b)	§ 87(2)(b)
F. DT3 Paul Rivera	Force: Detective Paul Rivera used physical force against § 87(2)(b)	§ 87(2)(b)
G. LT Dixun Su	Abuse: Lieutenant Dixun Su entered § 87(2)(b) in Manhattan.	§ 87(2)(b)
H. LT Dixun Su	Abuse: Lieutenant Dixun Su searched § 87(2)(b) in Manhattan.	§ 87(2)(b)
I. POM Michael Cangelosi	Abuse: Police Officer Michael Cangelosi searched § 87(2)(b) in Manhattan.	§ 87(2)(b)
J. PO Lindsay Agard	Abuse: Police Officer Lindsay Agard searched § 87(2)(b) in Manhattan	§ 87(2)(b)
K. PO Lindsay Agard	Force: Police Officer Lindsay Agard used physical force against § 87(2)(b)	§ 87(2)(b)

Officer(s)	Allegation	Investigator Recommendation
L.POM Michael Cangelosi	Force: Police Officer Michael Cangelosi used physical force against § 87(2)(b)	
M.POF Ashley Chow	Force: Police Officer Ashley Chow used physical force against § 87(2)(b)	
N.DT3 Paul Rivera	Untruthful Stmt.: Detective Paul Rivera provided a false official statement to the CCRB.	
§ 87(2)(g), § 87(4-b)		

### Case Summary

On May 22, 2020, § 87(2)(b) filed the following complaint via the CCRB's call-processing system.

On May 19, 2020, at approximately 11:45 a.m., PO Lindsay Agard and Det. Paul Rivera, both from the 13<sup>th</sup> Precinct Detective Squad attempted to enter § 87(2)(b) apartment at § 87(2)(b) in Manhattan to arrest her for petit larceny. § 87(2)(b) did not allow the officers in and called 9-1-1 because she believed that they were burglars. PO Michael Cangelosi, of the 13<sup>th</sup> Precinct, arrived by himself shortly after and assisted PO Agard and Det. Rivera with entering the apartment (**Allegations A – C: Abuse of Authority**, § 87(2)(g)). Once inside of the apartment, the officers pushed § 87(2)(b) on to the couch (**Allegations D – F: Force**, § 87(2)(g)). Soon after, Lt. Dixun Su, PO Ashley Chow, PO Matthew Pagano, PO Sage Sierra, and PO Nikoy Wallace, all from the 13<sup>th</sup> Precinct, entered the apartment under Lt. Su's supervision (**Allegation G, Abuse of Authority**; § 87(2)(g)). Lt. Su and PO Cangelosi searched the apartment to see if anyone else was inside (**Allegation H and I: Abuse of Authority**; § 87(2)(g)). PO Agard pushed § 87(2)(b) onto the couch to get her to sit down (**subsumed under Allegation F**). PO Agard searched § 87(2)(b) coat and pocketbook to retrieve her identification (**Allegation J: Abuse of Authority**; § 87(2)(g)). PO Agard, PO Cangelosi, and PO Chow pulled § 87(2)(b) out of the apartment by her arms when she would not leave the apartment on her own (**Allegations K - M: Force**; § 87(2)(g)). The officers brought § 87(2)(b) back to the 13<sup>th</sup> Precinct stationhouse where they charged her with petit larceny. The charges were later dropped.

Det. Rivera provided a false official statement to the CCRB on March 9, 2021 (**Allegation N: Untruthful Statement**; § 87(2)(g)).

§ 87(2)(g), § 87(4-b)

### Findings and Recommendations

**Allegation (A) Abuse of Authority: Police Officer Lindsay Agard entered § 87(2)(b) in Manhattan.**

**Allegation (B) Abuse of Authority: Detective Paul Rivera entered § 87(2)(b) in Manhattan.**

**Allegation (C) Abuse of Authority: Police Officer Michael Cangelosi entered § 87(2)(b) in Manhattan.**

**Allegation (D) Force: Police Officer Lindsay Agard used physical force against § 87(2)(b).**

**Allegation (E) Force: Police Officer Michael Cangelosi used physical force against § 87(2)(b).**

**Allegation (F) Force: Detective Paul Rivera used physical force against § 87(2)(b).**  
§ 87(2)(b) testified that on May 19, 2020, at approximately 11:45 a.m., she woke up inside of her apartment at § 87(2)(b) in Manhattan, and heard her doorbell ring. § 87(2)(b) home is a railroad style apartment, in which the living room is immediately behind the first door, followed by the kitchen after the living room, and then finally the bedroom. No one else was inside at the time. She opened her apartment door and leaned out to see who rung the bell. § 87(2)(b) observed PO Agard and Det. Rivera in blue shirts standing outside. § 87(2)(b) did not think they were officers. § 87(2)(b) went back inside her apartment and left the door ajar by about 2 – 3 inches. PO Agard and Det. Rivera came up and approached § 87(2)(b) door. PO Agard told § 87(2)(b) that she was under arrest and to get her identification. § 87(2)(b) explained that she did not know why they were there. PO Agard placed his foot in the doorframe and exerted pressure on the door using his knee and thigh to force open the door. § 87(2)(b) pushed the door back to block him from

entering. § 87(2)(b) asked PO Agard to remove his foot because she did not want him inside of her apartment. § 87(2)(b) repeated that she did not want him to come inside. § 87(2)(b) said to PO Agard either, “Do you have a warrant?” or “You don’t have a warrant.” PO Agard replied that if he got a warrant, he would make things more difficult for her and that she would have to spend three or four nights in jail. § 87(2)(b) believes that she may have asked again whether the officers had a warrant, and they said, “no.” § 87(2)(b) used one hand to take out her cellphone and recorded part of the conversation. § 87(2)(b) then called 9-1-1. § 87(2)(b) told the dispatcher that two people were at her door trying to arrest her. § 87(2)(b) said that she was scared because she did not know if they were real officers since they wore plainclothes. § 87(2)(b) requested additional officers to respond. The conversation between § 87(2)(b) and the officers at the door lasted approximately 20 – 30 minutes. Sometime later, three to five uniformed officers arrived on scene. PO Agard and Det. Rivera eventually entered the apartment followed shortly after by the other officers. Either PO Agard or Det. Rivera handcuffed § 87(2)(b). One of the officers pulled or threw § 87(2)(b) down onto a chair that was located right by the front door. Later during the incident, PO Rivera repeatedly jerked her handcuffs up and down, causing her to sit down and stand up a few times. § 87(2)(b) had red marks around her wrist because of this (BR 01 and 02).

PO Agard testified that on July 25, 2019, an elderly female complained that § 87(2)(b) stole a package delivered to her apartment building. The elderly female provided video evidence of the incident and stated that other items had gone missing as well. PO Agard could not recall the value of the stolen items. PO Agard generated a complaint report. He made several phone calls to § 87(2)(b) and made several attempts to arrest her between the time the complaint was made and the incident date. He spoke to § 87(2)(b) on one occasion, during which she told him to stop calling. § 87(2)(b) attorney eventually contacted PO Agard and said that he would talk to § 87(2)(b) about turning herself in. During another call afterwards, the attorney stated that he no longer represented § 87(2)(b). PO Agard called § 87(2)(b) law office where he was told that she no longer worked there. PO Agard visited § 87(2)(b) residence prior to the incident date, but she did not answer her door on those occasions. PO Agard may have also sent her a letter in the mail. On May 19, 2020, PO Agard and Det. Rivera went to § 87(2)(b) residence. PO Agard had an active probable cause I-Card for petit larceny but no warrant. PO Agard went to § 87(2)(b) location to arrest her. PO Agard rang the downstairs doorbell and identified himself. § 87(2)(b) buzzed open the door and the officers went upstairs to her apartment. PO Agard knocked on the apartment door and identified himself by name, precinct, and command. He did not recall if the apartment door was open or closed upon his introducing himself. A verbal exchange took place between him and § 87(2)(b) but he could not recall what was said. § 87(2)(b) eventually opened the door to the apartment. PO Agard attempted to enter the apartment, but § 87(2)(b) closed the door on him. In his interview, PO Agard stated that while an I-Card does not allow him to enter an apartment on its own, § 87(2)(b) buzzed them in and opened her door to “receive” them, which he interpreted to mean that they were allowed inside. PO Agard did not know what to do so he placed his foot down in the doorway to block the door from closing. § 87(2)(b) called 9-1-1 and stated that someone was attempting to break into her apartment. PO Agard decided to wait for additional officers to arrive since they could record the incident on BWC. Approximately four uniformed officers arrived around one minute after § 87(2)(b) made the call. The officers pushed the door and entered the apartment. PO Agard did not know who entered the apartment first. Det. Rivera entered after PO Agard and there were approximately three uniformed officers inside at this time. PO Agard and another officer attempted to handcuff § 87(2)(b). PO Agard grabbed one of her hands and attempted to place it behind her back. He did not know which arm he grabbed and did not recall who assisted in placing her in handcuffs. § 87(2)(b) laid on the floor and resisted by flailing her body. The officers eventually placed § 87(2)(b) in handcuffs and sat her on the couch. Later, § 87(2)(b) jumped up from the couch at which point PO Agard and the other officers guided her back to the couch (BR 03).

Det. Rivera stated that when § 87(2)(b) called 9-1-1, he used his radio to request assistance and informed central that the Detective Unit was already on scene in case they received a call.

When the other officers arrived, § 87(2)(b) opened the door and allowed the officers to enter the apartment. Det. Rivera could not see who entered. Det. Rivera stated that no force was used to enter the apartment. The officers immediately tried to place § 87(2)(b) in handcuffs upon entry. § 87(2)(b) resisted by flailing her arms and kicking. The officers placed § 87(2)(b) onto the couch; the officers did not shove her. Det. Rivera did not know which officers placed § 87(2)(b) onto the couch. Once Lt. Su entered the apartment, § 87(2)(b) stopped most of her resistance. The officers placed § 87(2)(b) in handcuffs after several seconds. Det. Rivera did not participate in handcuffing § 87(2)(b). Det. Rivera stood between the officers and the door, approximately a foot away from the officers. During the interview, § 87(2)(b) surveillance footage was played from the 00:17:40 mark to the 00:18:24 mark. Though Det. Rivera could not hear the volume, he continued to state that § 87(2)(b) did not refuse entry to the officers (BR 04).

PO Cangelosi testified that he received a burglary call at the incident location. PO Cangelosi responded to the call and saw PO Agard and Det. Rivera arguing with § 87(2)(b) by the entrance with the door halfway open. Eventually, PO Agard and Det. Rivera walked into the apartment, and he followed shortly after. PO Cangelosi did not recall how they got into the apartment but believed that § 87(2)(b) may have allowed them to enter. § 87(2)(b) resisted arrest by flailing her arms. PO Cangelosi grabbed one arm while another officer grabbed the other. The struggle took place in the apartment's small living room, just past the front door. The handcuffing process took less than two minutes. PO Cangelosi did not believe that he or any of the officers pushed § 87(2)(b) onto a couch to make the arrest. Neither PO Agard nor Det. Rivera informed him of whether there was a warrant for § 87(2)(b) (BR 05).

Lt. Su testified that he did not arrive on scene until after the officers had handcuffed § 87(2)(b).

Complaint Report § 87(2)(b) reveals that an Asian female individual, named § 87(2)(b), complained that on July 22, 2019, § 87(2)(b) stole a delivery package belonging to her (BR 24).

§ 87(2)(b) video surveillance shows that when the officers rung her doorbell, she left her apartment to let them in before going back inside. At the 01:22 mark of the surveillance, § 87(2)(b) exits her apartment again while the officers talk with someone inside of the building. § 87(2)(b) backs up and re-enters her apartment with the door open. PO Agard tells § 87(2)(b) to get her ID. § 87(2)(b) asks the officers if they have a warrant, but he does not respond. § 87(2)(b) tells PO Agard multiple times to "step back" and that he cannot enter as he attempts to get inside. § 87(2)(b) tries to close the door, but PO Agard prevents the door from closing with his foot. At the 03:49 mark of the video, § 87(2)(b) says, "I am not consenting to you entering my apartment." At the 18:00 mark of the video, § 87(2)(b) attempts to close the door, but PO Agard pushes the door open. PO Agard and PO Cangelosi enter the apartment and push § 87(2)(b) onto the couch and place her in handcuffs (BR 07).

§ 87(2)(b) short cell phone video captures the interaction between herself, PO Agard, and Det. Rivera while they are at the door. § 87(2)(b) tells the officers, "I need you to step back. I'm not comfortable with this" (BR 08).

PO Cangelosi's BWC shows that he was the first uniformed officer to respond. PO Cangelosi arrived while PO Agard and Det. Rivera were still trying to enter § 87(2)(b) apartment. At the 01:25 mark of the BWC, PO Cangelosi enters the apartment and tells § 87(2)(b) to put her hands behind her back. PO Cangelosi grabs one of her hands and pushes her towards the couch with the assistance of PO Agard. The other officers enter the apartment after § 87(2)(b) was already handcuffed. At the 08:33 mark of PO Chow's BWC, once all the officers had arrived and § 87(2)(b) had been handcuffed, § 87(2)(b) stands up because PO Agard enters her purse without her permission. PO Agard uses both hands to push her back down onto the couch (BR 09).

Absent exigent or emergency circumstances, warrantless entries into a home are presumptively unreasonable and, when effectuating an arrest, the threshold of the home may not reasonably be crossed without a warrant. Payton v. New York, 445 U.S. 573 (BR 10).

The court established that consent is voluntary when it is a true act of will, an unequivocal product of an essentially free and unconstrained choice and that voluntariness is incompatible with official coercion, actual, implicit, overt, or subtle. People v. Gonzalez, 39 N.Y.2d 122 (1976) (BR 11).

Officers will use only the reasonable force necessary to gain control or custody of a subject. NYPD Patrol Guide Procedure 221-01 (BR 12).

PO Agard admitted that he did not have a warrant when he entered the apartment. Despite PO Agard and Det. Rivera's claim that § 87(2)(b) allowed them to enter, the videos make clear that § 87(2)(b) verbally and physically refused them entry multiple times. At no point does § 87(2)(b) actions show an unconstrained choice to allow the officers to enter the apartment. § 87(2)(g)

§ 87(2)(b)

§ 87(2)(b)

The videos show that PO Agard and PO Cangelosi pushed § 87(2)(b) onto the couch so that they could place her in handcuffs. § 87(2)(b) resisted the officers while on the couch. PO Agard later pushed § 87(2)(b) again to get her to sit down when she stood up. § 87(2)(g)

§ 87(2)(b)

§ 87(2)(b)

§ 87(2)(b)

**Allegation (G) Abuse of Authority: Lieutenant Dixon Su entered § 87(2)(b) in Manhattan.**

**Allegation (H) Abuse of Authority: Lieutenant Dixon Su searched § 87(2)(b) in Manhattan.**

**Allegation (I) Abuse of Authority: Police Officer Michael Cangelosi searched § 87(2)(b) in Manhattan.**

**Allegation (J) Abuse of Authority: Police Officer Lindsay Agard searched § 87(2)(b) in Manhattan.**

§ 87(2)(b) testified that once the officers handcuffed her, they asked her for her ID. § 87(2)(b) asked the officers if she could get her ID from her bag herself. PO Agard took § 87(2)(b) purse off the sofa and went inside to obtain her ID. While PO Agard held her down on the couch, Det. Rivera walked to § 87(2)(b) living room, to the kitchen, and then to her bedroom. When he returned, § 87(2)(b) asked him why he searched her apartment. Det. Rivera replied that he wanted to make sure that no one else was inside.

Lt. Su testified that he arrived once the officers had handcuffed § 87(2)(b) Det. Rivera explained to Lt. Su that § 87(2)(b) was wanted for a probable cause I-Card. No further information about the incident was conveyed to Lt. Su. Lt. Su did not know why or how the officers entered the apartment. Officers did not state or confirm that they had a warrant, and he did not ask them. Lt. Su asked Det. Rivera if anyone did a protective sweep of the apartment to make sure that there were no children, elderly people or animals. Det. Rivera confirmed that he did not do a protective sweep. Lt. Su ordered PO Cangelosi to perform a protective sweep of the apartment. PO Cangelosi went from the living room the apartment bedroom. PO Cangelosi did not find any other individuals in the apartment. Lt. Su stated that as a supervisor, it is his responsibility to verify arrests; however, he did not believe that this warranted him to verify the circumstances of the entry leading to the arrest.

PO Cangelosi confirmed that he performed a protective sweep of the apartment and that no one was found.

PO Agard stated when he asked § 87(2)(b) for her ID, she did not provide it. PO Agard obtained § 87(2)(b) ID from a bag on a table within the living room. § 87(2)(b) did not provide PO Agard with permission to enter the bag. PO Agard did not recall § 87(2)(b) doing anything to make it clear that she did not want him going into her purse. PO Agard stated that he entered § 87(2)(b) bag because her identity needed to be confirmed for her to receive a DAT. PO Agard stated that the



arrest processing would have been “different” without an ID and that a DAT was for § 87(2)(b) benefit, as the alternative involved her going to 100 Centre Street to wait for her case to be called.

Det. Rivera stated that he did not notice any officers entering any of the other rooms in the apartment and that he did not see PO Agard go into § 87(2)(b) purse or any of her other possessions to get her ID.

The BWCs showed that PO Agard grabbed § 87(2)(b) coat nearby and went into its coat pockets to look for her ID. He then grabbed § 87(2)(b) purse and found her ID inside (BR 13 – 18).

Absent exigent or emergency circumstances, warrantless entries into a home are presumptively unreasonable and, when effectuating an arrest, the threshold of the home may not reasonably be crossed without a warrant. Payton v. New York, 445 U.S. 573 (BR 10).

As previously noted, the officers did not have a warrant to enter the apartment § 87(2)(g). Moreover, § 87(2)(b) stated many times that she did not consent to their entry. While Lt. Su did not arrive on scene until later, as the supervising officer he was responsible for verifying if the circumstances of the arrest were legitimate, which he failed to do. § 87(2)(g)

**Allegation (K) Force: Police Officer Lindsay Agard used physical force against § 87(2)(b)**

**Allegation (L) Force: Police Officer Michael Cangelosi used physical force against § 87(2)(b)**

**Allegation (M) Force: Police Officer Ashley Chow used physical force against § 87(2)(b)**

§ 87(2)(b) testified that one uniformed officer and either PO Agard or Det. Rivera dragged her out of the apartment. She did not physically resist and did not verbally indicate that she would not come with them. § 87(2)(b) received a bruise on her shoulder and a light bruise to her knee but did not know where these injuries came from. § 87(2)(b) repeatedly asked the officers if she could get her phone and her shoes. Det. Rivera tossed her shoes out of the apartment once § 87(2)(b) was already on the staircase. One of the officers put them on her feet for her. The officers brought § 87(2)(b) to the 13<sup>th</sup> Precinct stationhouse where she waited for four hours in a jail cell until she was released with a DAT. The officers charged § 87(2)(b) with petit larceny. Later that day, § 87(2)(b) went to § 87(2)(b) primarily to address the pain in her wrists and the numbness in her arms.

PO Agard stated that § 87(2)(b) refused to put on footwear or walk out of the apartment on her own. Consequently, two officers stood beside § 87(2)(b) “propped” her up, and walked her out of the apartment. Each officer held § 87(2)(b) by an arm. PO Agard could not recall if he took part in removing § 87(2)(b) from the apartment. PO Agard stated that this was done to ensure that § 87(2)(b) did not hurt herself or any of the officers involved.

PO Cangelosi denied that any of the officers pulled or dragged § 87(2)(b) of the apartment. PO Cangelosi stated that § 87(2)(b) needed to be guided out of the apartment. PO Pangalo assisted PO Cangelosi with taking her out. § 87(2)(b) physically struggled near the stairs while the officers were trying to take her out. PO Cangelosi held § 87(2)(b) arm as he took her down the stairs to make sure that she did not fall.

Det. Rivera did not see how the officers took § 87(2)(b) out of the apartment but noted that she walked out. Det. Rivera could not see clearly because he was positioned behind other officers while § 87(2)(b) was being taken out by uniformed officers. He did not assist in taking § 87(2)(b) out of the apartment.

Lt. Su did not recall which officers took § 87(2)(b) out of the apartment but stated that they did not drag or pull her out. The officers escorted § 87(2)(b) out of the apartment, and she did not provide any physical resistance.

The 02:28 mark of PO Pagano’s BWC shows that PO Agard and PO Chow both pulled § 87(2)(b)

§ 87(2)(b) up from the couch by her arms after she refuses. The officers attempt to pull her towards the door. § 87(2)(b) physically resists the officers by pulling herself back towards the couch. At the 03:23 mark of the video, PO Cangelosi takes both of § 87(2)(b) arms and drags her out of the door. PO Pagano grabs one of § 87(2)(b) arms when she is out of the door, but at this point she walks outside without resistance.

Absent exigent or emergency circumstances, warrantless entries into a home are presumptively unreasonable and, when effectuating an arrest, the threshold of the home may not reasonably be crossed without a warrant. Payton v. New York, 445 U.S. 573 (BR 10).

Officers will use only the reasonable force necessary to gain control or custody of a subject. NYPD Patrol Guide Procedure 221-01 (BR 12).

§ 87(2)(b) resisted being taken out of the apartment. § 87(2)(g)

**Allegation (N) Untruthful Statement: Detective Paul Rivera provided a false official statement to the CCRB.**

As noted earlier, during his CCRB interview on March 9, 2021, Det. Rivera stated that when additional officers arrived, § 87(2)(b) opened the door and allowed the officers to enter the apartment. He stated that the officers did not have to force the door open to enter. In the interview, § 87(2)(b) video surveillance was played from the 00:17:40 mark of the video to the 00:18:24 mark. Though he stated that he could not hear the video, he continued to reiterate that § 87(2)(b) allowed the officers to enter the apartment and that the officers did not force their way inside.

The portion of the video surveillance shown to Det. Rivera clearly depicts § 87(2)(b) stating that she does not consent to the officers entering the apartment. § 87(2)(b) attempts to close the door and tries to shove PO Agard out of the way, but PO Agard pushes her back and the officers enter the apartment.

An intentional statement that a member of the service knows to be untrue, which is material to the investigation, proceeding, or other matter in connection with which the statement is made. Members of service prohibited from intentionally making a false official statement. Absent extraordinary circumstances, intentionally making a false official statement regarding a material matter will result in separation. Administrative Guide 304-10 (BR 19).

When provided with an opportunity to amend his statement, Det. Rivera maintained the initial narrative that § 87(2)(b) allowed them to enter and that they did not force their way inside. While Det. Rivera stated that he could not hear the video, the video clearly shows § 87(2)(b) attempting to push the officers back and close the door. § 87(2)(g)

§ 87(2)(g), § 87(4-b)

**Civilian and Officer CCRB Histories**



- This is the first CCRB complaint to which § 87(2)(b) has been a party (BR 22).
- PO Cangelosi has been a MOS for 10 years and has been a subject in three CCRB complaints and four allegations, none of which were substantiated. § 87(2)(g)
- PO Chow has been a MOS for four years and has been a subject in one CCRB complaints and one allegation, which was not substantiated. § 87(2)(g)
- Det. Rivera has been a MOS for 16 years and has been a subject in seven CCRB complaints and 11 allegations, of which four were substantiated.
  - 201001407 involved substantiated allegations of frisk, refusal to provide name/shield number, search, and stop against Det. Rivera. The Board recommended charges and the NYPD imposed instruction.
- PO Agard has been a MOS for 15 years and has been a subject in two CCRB complaints and two allegations, none of which were substantiated. § 87(2)(g)
- Lt. Su has been a MOS for 16 years and has been a subject in two CCRB complaints and six allegations, none of which were substantiated. § 87(2)(g)

#### **Mediation, Civil, and Criminal Histories**

- This complaint was not suitable for mediation.
- § 87(2)(b) filed a Notice of Claim with the City of New York claiming false arrest, excessive force, prima facie tort, conspiracy, intentional tort, intentional infliction of emotional distress, negligent infliction of emotional distress, negligent hiring, negligent retention, negligent discipline, negligent training, assault and battery, negligent supervision, respondeat superior, violation of civil rights, institution and/or pattern and practice of constitutionally violative practices and policy, first amendment retaliation, ratification of constitutionally violative practices and policies, mental and emotional injuries interference with life's enjoyment, family relationships, and economic opportunity, and various state and federal constitutional and statutory violations committed by the City of New York, the NYPD, and/or its agents, servants, and/or employees, including but not limited to PO Agard, and seeking \$500,000 as redress § 87(2)(b)
- [§ 87(2)(b)] [§§ 86(1)(3)&(4)] [§ 87(2)(c)]

Squad: \_\_\_\_\_ 4 \_\_\_\_\_

Investigator:	<u>Tyler Walls</u>	<u>Inv. Tyler Walls</u>	<u>3/14/2022</u>
	Signature	Print Title & Name	Date

Squad Leader:	<u>Raquel Velasquez</u>	<u>IM Raquel Velasquez</u>	<u>3/15/2022</u>
	Signature	Print Title & Name	Date

Reviewer:	_____	_____	_____
	Signature	Print Title & Name	Date

